

SHIRE OF KALAMUNDA

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Minutes of the Ordinary Meeting of Council Held in the Council Chambers 2 Railway Road, Kalamunda Monday 24 October 2011

1.0 OFFICIAL OPENING

- 1.1 The Shire President opened the meeting at 6.31 pm and welcomed Councillors, Staff and Members of the Public Gallery. The Shire President welcomed Cr Bob Emery and Cr John Giardina to their first Council meeting.

2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

2.1 ATTENDANCE

Councillors

Donald McKechnie	(CHAIRMAN) (SHIRE PRESIDENT)	NORTH WARD
Sue Bilich		NORTH WARD
Margaret Thomas		NORTH WARD
Allan Morton	(DEPUTY SHIRE PRESIDENT)	SOUTH WEST WARD
Noreen Townsend		SOUTH WEST WARD
Justin Whitten		SOUTH WEST WARD
John Giardina		SOUTH EAST WARD
Frank Lindsey		SOUTH EAST WARD
Geoff Stallard		SOUTH EAST WARD
Martyn Cresswell		NORTH WEST WARD
Bob Emery		NORTH WEST WARD

Members of Staff

James Trail		CHIEF EXECUTIVE OFFICER
Rhonda Hardy		DIRECTOR OF CORPORATE SERVICES
Darren Jones	A/DIRECTOR OF COMMUNITY DEVELOPMENT	
Clayton Higham	DIRECTOR OF PLANNING & DEVELOPMENT SERVICES	
Mahesh Singh	DIRECTOR OF ENGINEERING SERVICES	
Darrell Forrest		MANAGER GOVERNANCE
Peter Hayes		MANAGER BUSINESS & STRATEGY
Gerard Thomas	MANAGER TECHNOLOGY & CUSTOMER SUPPORT	
Michelle Clark	EXECUTIVE ASSISTANT	CHIEF EXECUTIVE OFFICER
Donna McPherson		MINUTE SECRETARY

Members of Public 3

Members of Press 1

2.2 Apologies

Dylan O'Connor

NORTH WEST WARD

2.3 Leave of Absence Previously Approved

Nil.

3.0 PUBLIC QUESTION TIME

A period of not less than 15 minutes is provided to allow questions from the Public Gallery on matters relating to the functions of this meeting.

3.1 Andrea Lomman, 114 John Farrant Drive Gooseberry Hill

Q. The Echo Newspaper ran an article on 15 October 2011 the Council would be holding a forum in relation to the issues around the Zig Zag Scenic Drive. I would like to request information on the date of the Forum? The role and involvement of local residents? The type of support from Councillors in relation to these issues?

A. The Chairman advised this question is to be taken on notice as a date is yet to be set for the meeting. It is expected this will occur in the next week or two. The meeting could be extensively advertised to the community and it is hoped that all Ward Councillors would be in attendance.

4.0 PETITIONS/DEPUTATIONS

4.1 Nil.

5.0 APPLICATIONS FOR LEAVE OF ABSENCE**5.1 Leave of Absence – Cr Margaret Thomas**RESOLVED OCM 166/2011

1. That Cr Margaret Thomas be granted leave of absence for the period 1 November 2011 to 28 November 2011. This leave period will include Planning Services Committee Meeting, Monday 7 November 2011, General Services Committee Meeting, Monday 14 November 2011 and Ordinary Council Meeting, Monday 21 November 2011.

Moved: **Cr Allan Morton**Seconded: **Cr Bob Emery**Vote: **CARRIED UNANIMOUSLY (11/0)**

6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

6.1 Confirmation of Minutes of Ordinary Council Meeting 19 September 2011

RESOLVED OCM 167/2011

1. That the Minutes of the Ordinary Council Meeting of the Shire of Kalamunda held in the Council Chambers, 2 Railway Road, Kalamunda on 19 September 2011 are confirmed as a true and correct record.

Moved: **Cr Noreen Townsend**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (11/0)**

6.2 Confirmation of Minutes of Special Council Meeting 3 October 2011

RESOLVED OCM 168/2011

1. That the Minutes of the Special Council Meeting of the Shire of Kalamunda held in the Council Chambers, 2 Railway Road, Kalamunda on 3 October 2011 are confirmed as a true and correct record.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Martyn Cresswell**

Vote: **CARRIED UNANIMOUSLY (11/0)**

6.3 Confirmation of Minutes of Special Council Meeting 10 October 2011

RESOLVED OCM 169/2011

1. That the Minutes of the Special Council Meeting of the Shire of Kalamunda held in the Council Chambers, 2 Railway Road, Kalamunda on 10 October 2011 are confirmed as a true and correct record.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Margaret Thomas**

Vote: **CARRIED UNANIMOUSLY (11/0)**

6.4 Confirmation of Minutes of Special Council Meeting 17 October 2011

RESOLVED OCM 170/2011

1. That the Minutes of the Special Council Meeting of the Shire of Kalamunda held in the Council Chambers, 2 Railway Road, Kalamunda on 17 October 2011 are confirmed as a true and correct record.

Moved: **Cr Bob Emery**

Seconded: **Cr Margaret Thomas**

Vote: **CARRIED UNANIMOUSLY (11/0)**

7.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

7.1 Nil.

8.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

8.1 Nil.

9.0 DISCLOSURE OF INTERESTS

9.1 Disclosure of Financial and Proximity Interests

- (a) Members must disclose the nature of their interest in matters to be discussed at the meeting. (*Local Government Act 1995* Sections 5.60B and 5.65).
- (b) Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting. (*Local Government Act 1995* Sections 5.70 and 5.71)

9.2 Disclosure of Interest Affecting Impartiality

- (a) Members and staff must disclose their interest in matters to be discussed at the meeting in respect of which the member or employee had given or will give advice.

Item 10.1.4 (PS41) Cr Justin Whitten declared an impartiality interest as Optus is a client of his employer.

Item 10.2.6 (GS128) Cr Justin Whitten declared an impartiality interest as Optus is a client of his employer.

Item 10.3.2 Cr John Giardina declared an impartiality interest as he is an acquaintance of one of the tenderers.

10.0 REPORTS TO COUNCIL

(Declaration of financial/conflict of interests to be recorded prior to dealing with each item.)

10.1 Planning Services Committee Report

Items for Separate Consideration within the Planning Services Report

PS41 withdrawn as Cr Whitten declared an interest affecting impartiality.

10.1.1 Adoption of Planning Services Committee Report

RESOLVED OCM 171/2011

1. That the recommendations contained in the Planning Services Committee Report of the 3 October 2011, with the exception of PS41 to be considered separately, be adopted.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Frank Lindsey**

Vote: **CARRIED UNANIMOUSLY (11/0)**

10.1.2 **PS 39 Lot 16 (8) Stirk Street, Kalamunda - Local Planning Scheme No. 3 Amendment No. 40 – Additional Use (Office)**

EN BLOC RESOLUTION OCM 171/2011

That Council:

1. Notes the submissions received in respect to Amendment No. 40 to Local Planning Scheme No. 3.
2. Adopts the amendment to Local Planning Scheme No. 3 without modification, in accordance with the following:

PLANNING AND DEVELOPMENT ACT 2005
RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME
SHIRE OF KALAMUNDA
LOCAL PLANNING SCHEME NO. 3
AMENDMENT NO. 40

That Council, in pursuance of Part 5 of the *Planning and Development Act 2005*, amends Local Planning Scheme No. 3 by inserting into Schedule 2 (Additional Uses) of the Scheme Text, the following:

No.	Description of Land	Additional Use	Conditions
46	8 Stirk Street, Kalamunda (Lot 16)	Office	An office is not permitted unless approval is granted by Council ("A").

3. Amends the Scheme Zoning Map accordingly.
4. Duly executes the Amendment documents and forwards them and submissions received to the Minister for Planning requesting final approval be granted.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Frank Lindsey**

Vote: **CARRIED UNANIMOUSLY (11/0)**

10.1.3 **PS40 Lot 263 (39) Maida Vale Road, Maida Vale – Modification to Maida Vale Urban Area U6 Structure Plan**

EN BLOC RESOLUTION OCM 171/2011

That Council:

1. Adopts the proposed modification to the Structure Plan by removing the "Community Centre" designation for Lot 263 (39) Maida Vale Road, Maida Vale and replacing it with a Residential Density Code of R40 and forward the modification to the WA Planning Commission for endorsement.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Frank Lindsey**

Vote: **CARRIED UNANIMOUSLY (11/0)**

10.1.4 **PS41 Referral from the City of Swan for a Proposed Mobile Phone Tower**

Cr Justin Whitten declared an impartiality interest as Optus is a client of his employer. Cr Whitten left the meeting at 6.40pm and did not vote on this item. Cr Whitten returned to the meeting at 6.42pm.

RESOLVED OCM 172/2011

That Council:

1. Advises the City of Swan that it objects to the proposal for a mobile phone tower at Lot 501 Adelaide Street, Hazelmere for the following reasons:
 - a. Shire's Local Planning Policy DEV 26 – Radio, Television and Communication Facilities/Masts requires mobile phone towers to be at least 500m from sensitive land uses. The proposed mobile phone tower shall be 260m from the residential area, which constitutes a 48 per cent reduction in the minimum 500m distance.
 - b. The proposed mobile phone tower possibly having an unacceptable impact on the health of the local community with respect to radiation emissions.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Frank Lindsey**

Vote: **CARRIED UNANIMOUSLY (10/0)**

10.2 General Services Committee Report

Items for Separate Consideration within the General Services Report

GS127 considered separately as it requires an absolute majority vote.

GS128 considered separately as Cr Whitten declared an interest affecting impartiality.

GS130 considered separately as it requires an absolute majority vote.

10.2.1 Adoption of General Services Committee Report

RESOLVED OCM 173/2011

1. That the recommendations contained in the General Services Committee Report of the 10 October 2011, except items GS127, GS128 and GS130 to be considered separately, be adopted.

Moved: **Cr Martyn Cresswell**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY(11/0)**

10.2.2 GS123 Creditors' Accounts Paid During the Period 31 August to 29 September 2011EN BLOC RESOLUTION OCM 173/2011

1. That the list of creditors paid during the period 31 August to 29 September 2011 (Attachment 1) be received by Council in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996 (Regulation 12)*.

Moved: **Cr Martyn Cresswell**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY(11/0)**

10.2.3 GS124 Monthly Financial Statements for the Period ending 31 August 2011EN BLOC RESOLUTION OCM 173/2011

1. That the monthly financial statements which comprise the Statement of Financial Position, Statement of Comprehensive Income by Nature and Type, Statement of Comprehensive Income by Program, Rate Setting Statement, and Operating Budget Variance Analysis for the period ending 31 August 2011 be received.

Moved: **Cr Martyn Cresswell**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY(11/0)**

10.2.4 GS125 Debtors and Creditors Reports for the Period ending 28 September 2011EN BLOC RESOLUTION OCM 173/2011

1. That the outstanding debtors (Attachment 1) and creditors (Attachment 2) reports as at 28 September 2011 be received.

Moved: **Cr Martyn Cresswell**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY(11/0)**

10.2.5 **GS126 Rates Debtors Report for the Period ending 29 September 2011**

EN BLOC RESOLUTION OCM 173/2011

1. That the rates debtors report as at 29 September 2011 (Attachment 1) be received.

Moved: **Cr Martyn Cresswell**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY(11/0)**

10.2.7 **GS129 Awarding of Tender - Supply of Crushed Ferricrete/Laterite Material (T1122)**

EN BLOC RESOLUTION OCM 173/2011

1. That this item be deferred to the October 2011 Ordinary Council Meeting.

Moved: **Cr Martyn Cresswell**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY(11/0)**

10.2.8 **GS127 Department of Sport and Recreation – Kids Sport Program**

RESOLVED OCM 174/2011

That Council:

1. Pursuant to section *S 6.8 (1)(b) Local Government Act 1995*, amends the Shire of Kalamunda 2011/2012 Budget to include income and expenditure for the Kids Sport Program of \$58,000.

Moved: **Cr Martyn Cresswell**

Seconded: **Cr Noreen Townsend**

Vote: **CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY (11/0)**

10.2.8 **GS128 Proposed Access Arrangements over Ledger Road Reserve No. 27154, Gooseberry Hill - Optus Mobile Pty Ltd**

Cr Justin Whitten declared an impartiality interest as Optus is a client of his employer. Cr Whitten left the meeting at 6.43pm and did not vote on this item. Cr Whitten returned to the meeting at 6.45pm.

COMMITTEE RECOMMENDATION TO COUNCIL GS128/2011

That Council:

1. Refuse to enter into a Deed of Agreement for Access between the Shire of Kalamunda and Optus Mobile Pty Ltd in respect to access over Ledger Road Reserve No. 27154, Gooseberry Hill due to Council's and community opposition to the location of the proposed mobile phone tower
2. Requests Optus Mobile Pty Ltd to prepare and distribute an information package for local residents, user groups of Shire facilities on the Reserve and the Primary School outlining the scope of works for the mobile phone tower, the timeframe for construction, the potential health implications associated, and a point of contact within Optus where residents may address any concerns or queries.

Moved:

Seconded:

Vote: **LAPSED**

The Recommendation to Council received no mover or seconder and LAPSED. Cr Thomas proposed an alternative motion to defer any decision on the item until after a public meeting to be held on 31 October 2011.

GS128 Proposed Access Arrangements over Ledger Road Reserve No. 27154, Gooseberry Hill - Optus Mobile Pty Ltd

RESOLVED OCM 175/2011

That a decision on this Item be deferred until after the Public Forum to be held on 31 October 2011.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Frank Lindsey**

Vote: **CARRIED UNANIMOUSLY (10/0)**

10.2.9 **GS130 High Wycombe Library – Reinstatement of the Building**

RESOLVED OCM 176/2011

That Council:

1. Notes the Structural Condition Report from Marra and Associates.
2. Authorises reinstatement work to proceed at an estimated cost of \$95,000, with the total cost of the project estimated at \$126,285.

Moved: **Cr Martyn Cresswell**

Seconded: **Cr Bob Emery**

Vote: **CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY (11/0)**

10.3 Chief Executive Officers' Report

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.

10.3.1 Review of Shire of Kalamunda Recreation Committees

Previous Items	OCM 70/2011
Responsible Officer	A/Director Community Development
Service Area	Community Development
File Reference	CO-CCS-001
Applicant	Shire of Kalamunda
Owner	
Attachment 1	Suggested changes to Hartfield Park Advisory Committee
Attachment 2	Suggested changes to Kostera Oval Advisory Committee

PURPOSE

- To review the Terms of Reference for the four major sporting facilities in the Shire with a view to bringing them in line with the Ray Owen Sports Centre Management Committee. The Committees referred to are:
 - Ray Owen Sports Centre Management Committee
 - Scott Reserve Advisory Committee
 - Hartfield Park Advisory Committee
 - Kostera Oval Advisory Committee

BACKGROUND

- A review has been requested by a Councillor to enable each of the major sporting facilities equal representation and an opportunity to meet with Councillors.
- In May this year a review of a number of Management Committees was undertaken. This review included Scott Reserve Management Committee and Ray Owen Sports Centre Management Committee.
- The review included consultation with all the, then current, Committee Members.
- The Ray Owen Sports Centre Management Committee was the only Committee in which the user group members have a significant management and operational role. In contrast to other Committees, members of the Ray Owen Sports Centre Management Committee have a distinct role in managing the facility which includes collection of relevant fees.

6. The recommendation in May, therefore, was that the Ray Owen Sports Centre Management Committee would remain a Management Committee; however, Scott Reserve would become an Advisory Committee as this Committee does not have a managerial role in the running of the sporting facility.
7. The frequency of meetings for both these Committees was reduced to four times per year as it was noted that the agendas for these meetings had a bias toward maintenance issues and there are better ways to communicate with the Shire regarding such issues, for example telephone and electronic medium on a day to day basis.

DETAILS

8. Currently neither the Kostera Oval Advisory Committee, Scott Reserve Advisory Committee nor the Hartfield Park Advisory Committee have a managerial role in the running of their sporting facilities.
9. The Scott Reserve Advisory Committee will continue to have Councillor representation on their Committee.
10. The Hartfield Park and Kostera Oval Advisory Committees do not have Councillor representation, nor do the current Terms of Reference allow for this.
11. In keeping with the intent for Advisory Committees and to ensure the application of a more relevant, contemporary responsibilities Terms of Reference similar to those adopted for the Scott Reserve Management Committee could be adopted by the Hartfield Park and Kostera Oval Advisory Committees.
12. Some of the key components introduced in Scott Reserve's Terms of Reference were:
 - A total membership of up to (8) members, all of whom shall be appointed by Council for a term of two (2) years unless Council elects to reappoint any or all members for a further term.
 - A Councillor may be appointed to the Advisory Committee and is empowered to rule that any matter under consideration is to be referred, via the appropriate Committee, to Council for a decision.
 - Extraordinary meetings may be convened by the Committee Secretariat (Shire Officer) in accordance with Clause 5.3, following written requests from in excess of 50% of the current membership with voting rights.
 - Matters arising from the minutes of the Committee's meetings deemed of significance and/or requiring Council decision will be presented to the General Services Committee.

13. Currently, the Kostera Oval Advisory Committee meets on four occasions per year and the Hartfield Park Advisory Committee meet twice per year.
14. The Kostera Oval and Hartfield Park Advisory Committees Current Terms of Reference do not have the capacity for Councillor representation.

STATUTORY AND LEGAL IMPLICATIONS

15. All Committees need to comply and be in accordance with the *Local Government Act 1995*, Part 5 – Administration, Division 2 – Council meetings, committees and their meetings and electors' meetings.

POLICY IMPLICATIONS

16. Management and Advisory Committees – Representation, Review and Procedures (CTEE3)

PUBLIC CONSULTATION/COMMUNICATION

17. No consultation has been undertaken with Kostera Oval or Hartfield Park Committee Members; however, no disapproval is anticipated.

FINANCIAL IMPLICATIONS

18. As Committee meetings are normally conducted out of office hours, Shire Officers' have secretarial responsibilities and this time incurs overtime rates, resulting in additional costs to the organisation.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

19. Nil.

Sustainability Implications

Social Implications

20. *Shire of Kalamunda Strategic Plan 2009 – 2014*

- 1.3.1 Manage the effective promotion, planning and usage of recreational spaces, services and facilities.

Economic Implications

21. Nil.

Environmental Implications

22. Nil.

OFFICER COMMENT

23. Currently Shire Officers provide support and service to the Kostera Oval and Hartfield Park Advisory Committees, in the form of agenda/minutes development, follow-up actions and distribution, just as they do with the Ray Owen Management Committee and Scott Reserve Advisory Committee.

24. If the more generic Terms of Reference were adopted for Kostera Oval and Hartfield Park then the option for inclusion of a Councillor on these Committees would be standard. This would bring the Committees in closer contact with elected members and provide additional communication opportunities.

25. Any item discussed at an Advisory or Management Committee Meeting requiring Council resolution requires a report to be presented to Council for consideration. The addition of a Councillor on the Advisory Committee would not change this procedure, therefore the option for a Councillor to sit on this Committee has been provided.

26. Should Council wish to receive copies of the Minutes from the four major sporting facility's Committees – that is

- Ray Owen Sports Centre Management Committee
- Scott Reserve Advisory Committee
- Hartfield Park Advisory Committee
- Kostera Oval Advisory Committee

These could be circulated as an appendix to the Councillor Bulletin each month.

RESOLVED OCM 177/2011

That Council:

1. Adopt the Terms of Reference for the Hartfield Park (Attachment 1) and Kostera Oval Advisory Committees (Attachment 2), to include an option for Councillor representation.
2. Appoints Cr Allan Morton as Councillor Delegate and Cr Justin Whitten as Deputy Councillor Delegate to the Hartfield Park Advisory Committee for a term of two years expiring on the next ordinary election day.
3. Appoints Cr Margaret Thomas as Councillor Delegate and Cr Sue Bilich as Deputy Councillor Delegate to the Kostera Oval Advisory Committee for a term of two years expiring on the next ordinary election day.

4. Receive the Minutes from these meetings as an attachment to the Councillor Bulletin.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Justin Whitten**

Vote: **CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY
(11/0)**



Hartfield Park Advisory Committee

Terms of Reference

1. Name

The name of the Committee shall be the Hartfield Park Advisory Committee.

2. Description of Property

Reserve No 17098 known as Hartfield Park.

3. Objectives

~~3.1 To advise Council on matters pertaining to the reserve.~~

~~3.2 To examine proposals for development from a community perspective and in accordance with Council policies and practices.~~

3.31 To provide an opportunity for all people and residents who use the reserve to meet and communicate at regular intervals to discuss their common and particular interests in this community recreation facility.

3.42 To develop community awareness of the potential and limitations of the grounds and facilities, the nature of the demands made upon them by user groups and an understanding of Council's local laws and policies relating to this facility.

3.53 To encourage a cooperative attitude among people who use the facilities so that the most effective use is obtained to the satisfaction of Council and the community generally. To encourage sharing of private equipment and increased social interaction among clubs.

3.64 To advise Council, on any changes where appropriate on the allocation of playing grounds, training times and change rooms facilities on a seasonal basis.

3.5 To provide guidance on future developments of the facility, inclusive of any improvements and extensions in line with changing community needs. Any such developments however, should first be approved by Council and subject to annual budget capacity.

~~3.7 To make recommendations to Council on modifications to and development of these facilities in line with changing community needs.~~

3.86 To discourage misuse or vandalism of these facilities and to provide the Council with relevant information if such acts occur.

3.9 ~~To provide a means of communication between the people who use the facility.~~

4. Membership

~~4.1 Committee members may be drawn from persons nominated by user groups or from other interested people. One person from each group as well as deputies may be appointed.~~

4.2.1 A total membership of up to eight (8) members, all of whom shall be appointed by Council. The term of appointment shall be up to two years; however retiring members are eligible for re-nomination.

4.2 Membership shall include one representative from each user group of the facility or other interested people.

4.3 In accordance with the Local Government Act 1995, a minimum of three (3) persons must be appointed to the Committee.

4.4 A Councillor shall be appointed to the Advisory Committee and is empowered to rule that any matter under consideration is to be referred, via the appropriate Committee, to Council for a decision.

4.5 The Advisory Committee may second individuals on sub-committees and working groups, but secondments cannot be made to the main Committee.

4.36 The appointment of any person who is absent without leave for more than three (3) consecutive meetings shall lapse and that person will need to seek Council reappointment to continue on the Committee for the duration of its term.

4.47 The Presiding Person and Deputy Presiding Person shall be appointed from the body of the Committee.

5. Meetings

5.1 The Committee shall meet at least ~~twice~~ four (4) times in any twelve (12) months.

5.2 A quorum shall consist of at least one half of the appointed members being present.

5.3 An agenda and notice of meeting will be distributed by Council at least 7 days prior to each meeting.

5.4 It is important that agenda items along with any supporting papers are sent to the Secretary no later than 10 days prior to meeting. This allows time for members to consider the item and make an informed decision.

5.5 If there are no agenda items the Secretary in consultation with the Presiding Person will advise all members that the scheduled meeting is cancelled.

5.6 Late Agenda/Business items may be accepted for consideration by the committee.

- 5.7 Extraordinary meetings may be convened by the Committee Secretariat (Shire Officer) in accordance with Clause 5.3, following written requests from in excess of 50% of the current membership with voting rights.

6. Minutes

- 6.1 A Shire of Kalamunda staff member will act as Secretary for the Committee.
- 6.2 The Secretary shall keep minutes of all business transacted at all meetings and shall forward a copy of these minutes to members within 10 days of each meeting.

7. Voting

- 7.1 Each appointed member present shall have one (1) vote.

8. Relationship to Council

- 8.1 Matters arising from the minutes of the Committee's meetings deemed of significance and/or requiring Council decision will be presented to the General Services Committee.



Kostera Oval Advisory Committee

Terms of Reference

1. Name

The name of the Committee shall be the Kostera Oval Advisory Committee.

2. Description of Property

Reserve No. 2935 known as Kostera Oval.

3. Objectives

3.1 ~~To advise to Council on matters pertaining to the reserve.~~

3.2 ~~To examine proposals for development from a community perspective and in accordance with Council policies and practices.~~

3.31 To provide an opportunity for all people and residents who use the reserve to meet and communicate at regular intervals to discuss their common and particular interests in this community recreation facility.

3.42 To develop community awareness of the potential and limitations of the grounds and facilities, the nature of the demands made upon them by user groups and an understanding of Council's by-laws and policies relating to this facility.

3.53 To encourage a cooperative attitude among people who use the facilities so that the most effective use is obtained to the satisfaction of Council and the community generally. To encourage sharing of private equipment and increased social interaction among clubs.

3.64 To advise Council on any changes, where appropriate on the allocation of playing grounds, training times and change rooms facilities on a seasonal basis.

3.5 To provide guidance on future developments of the facility, inclusive of any improvements and extensions in line with changing community needs. Any such developments however, should first be approved by Council and subject to annual budget capacity.

3.7 ~~To make recommendations to Council on modifications to, and development of these facilities in line with changing community needs.~~

3.86 To discourage misuse or vandalism of these facilities and to provide the Council with relevant information if such acts occur.

3.9 ~~To provide a means of communication between the people who use the facility.~~

4. Membership

4.1 ~~Committee members may be drawn from persons nominated by user groups or from other interested people.~~

4.21 A total membership of up to eight (8) members, all of whom shall be appointed by Council. The term of appointment shall be up to two years; however retiring members are eligible for re-nomination.

4.2 Membership shall include one representative from each user group of the facility or other interested people.

4.3 In accordance with the Local Government Act 1995, a minimum of three (3) persons must be appointed to the Committee.

4.4 A Councillor shall be appointed to the Advisory Committee and is empowered to rule that any matter under consideration is to be referred, via the appropriate Committee, to Council for a decision.

4.5 The Advisory Committee may second individuals on sub-committees and working groups, but secondments cannot be made to the main Committee.

4.36 The appointment of any person who is absent without leave for more than three consecutive meetings shall lapse and that person will need to seek Council reappointment to continue on the Committee for the duration of its term.

4.47 The Presiding Person and Deputy Presiding-Person shall be appointed from the body of the Committee.

5. Meetings

5.1 The Committee shall meet at least ~~twice~~ four times in any twelve (12) months.

5.2 A quorum shall consist of at least one half of the appointed members being present.

5.3 An agenda and notice of meeting will be distributed by Council at least 7 days prior to each meeting.

5.4 It is important that Agenda items along with any supporting papers are sent to the Secretary no later than 10 days prior to meeting. This allows time for members to consider the item and make an informed decision.

5.5 If there are no agenda items the Secretary in consultation with the Presiding Person will advise all members that the scheduled meeting is cancelled.

5.6 Late Agenda/Business items may be accepted for consideration by the committee.

5.7 Extraordinary meetings may be convened by the Committee Secretariat (Shire Officer) in accordance with Clause 5.3, following written requests from in excess of 50% of the current membership with voting rights.

6. Minutes

- 6.1 A Shire of Kalamunda staff member will act as Secretary for the Committee.
- 6.2 The Secretary shall keep minutes of all business transacted at all meetings and shall forward a copy of these minutes to members within 10 days of each meeting.

7. Voting

- 7.1 Each appointed member present shall have one (1) vote.

8. Relationship to Council

- 8.1 Matters arising from the minutes of the Committee's meetings deemed of significance and/or requiring Council decision will be presented to the General Services Committee.

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.

Item 10.3.2 Cr John Giardina declared an impartiality interest as he is an acquaintance of one of the tenderers. Cr Giardina remained in the meeting and voted on the item.

10.3.2 Awarding of Tender - Supply of Crushed Ferricrete/Laterite Material (T1122)

Previous Items	GS 89/2011; OCM 84/2011
Responsible Officer	Director Engineering Services
Service Area	Engineering Services
File Reference	AD-TEN-004
Applicant	N/A
Owner	N/A

Confidential Attachment 1 Summary of Tender Prices for the Supply of Crushed Ferricrete/Laterite Material – Under Separate Cover
Reason for Confidentiality: *Local Government Act 1995 S5.23(2)(c)* – “ a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting.”

Confidential Attachment 2 Evaluation of Tender Submissions for Compliance Criteria and Qualitative Criteria – Under Separate Cover
Reason for Confidentiality: *Local Government Act 1995 S5.23(2)(c)* – “ a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting.”

PURPOSE

1. To consider awarding the Tender for the Supply of Crushed Ferricrete/Laterite Material (T1122).

BACKGROUND

2. At the 20 June 2011 OCM, Council considered the tender for the Supply of Crushed Ferricrete/Laterite Material, and resolved as follows:
 1. *That pursuant to Regulation 18 (5) of the Local Government (Functions and General) Regulations 1996 Council declines to accept any tender*
 2. *That tenders for the supply and delivery of crushed Ferricrete/Laterite be recalled with greater emphasis on the following Tender Selection Criteria:*
 - a. *Quality – size of product and certification that product is dieback free.*
 - b. *Supply –quantity and delivery timelines.*
 - c. *Price*

3. Accordingly, the Tender for the Supply of (T1122) was readvertised with a modified selection criteria in the West Australian on Saturday 6 August 2011, and closed at 2.00pm on 23 August 2011.

DETAILS

4. Two tender submission were received from:
 - B & J Catalano Pty Ltd
 - Vinci Gravel Supplies Pty Ltd
5. A Summary of Tender Prices for the Supply of Crushed Ferricrete/Laterite Material is shown in (Confidential Attachment 1).
6. An Evaluation of Tender Submissions for Compliance Criteria and Qualitative Criteria is shown in (Confidential Attachment 2).

STATUTORY AND LEGAL IMPLICATIONS

7. The Tender is undertaken in accordance with the statutory requirements of Section 3.57 of the *Local Government Act 1995* and Part 4 of the *Local Government (Functions and General) Regulations 1996*.

POLICY IMPLICATIONS

8. Nil.

PUBLIC CONSULTATION/COMMUNICATION

9. The Tender was advertised as per the statutory requirements.

FINANCIAL IMPLICATIONS

10. The Tender price is within the budget allocation for Engineering Construction and Maintenance projects.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

Engineering Works Construction and Renewal

11. To construct new works infrastructure in a timely and cost- effective manner.
Renew and upgrade the Shire's roads, drainage and pathways infrastructure, through the use of construction crews and contractors.

Engineering Works Maintenance

12. Maintain the Shire's roads, road shoulders and verges, signs, car parks, drainage and pathways infrastructure, through the use of maintenance crews and contractors.

- Outcome:** 2.1 Meeting communities needs today and into the future.
2.3 Long term viability of infrastructure and facilities.

Sustainability Implications

Social implications

13. Nil.

Economic Implications

14. Nil.

Environmental Implications

15. Nil.

OFFICER COMMENT

16. Both contractors have supplied quality materials to the Shire in the past and have worked well with the Shire Operations for the delivery of materials.
17. Vinci Gravel Supplies Pty Ltd does have a formal quality assurance process with a Quality Assurance Manager. Materials go through a regular specification and quality assurance testing to ensure material meet the required specification in the tender. They can deliver or supply up to 2000 tonne per day.
18. B & J Catalano Pty Ltd takes samples at pre-determined intervals during crushing and then sent for analysis to an independent NATA certified laboratory. Stockpiles are classified according to results obtained that meet the required specification in the tender.
19. B & J Catalano Pty Ltd and Vinci Gravel Supplies Pty Ltd have provided dieback free certification.
20. Vinci Gravel Supplies Pty Ltd has provided lowest prices for the supply and delivery of the materials at various locations within the site. Vinci Gravel Supplies have provided a price based with CPI increases for year two and three rather than a fixed price as requested in the Tender.
21. The prices submitted by B & J Catalano Pty Ltd are the lowest for the supply at their quarry and delivered at the Shire's Operational Centre. They can deliver or supply up to 1500 tonne per day which can satisfy the Shire's needs.
22. The Shire has developed its own capacity to transport bulk materials, which will be further strengthened when two additional trucks with trailers will be purchased as budgeted in the current financial year. The bulk of material used will be purchased as supply only or delivered at Shires' depot in Walliston. On rare occasions, the contractor may be asked to deliver the material on site.

23. The Shire can terminate the contract if the Contractor fails to comply with any of the terms of the Contract.
24. In view of the above B & J Catalano's tender is considered to be the most advantageous for the Shire.

RESOLVED OCM 178/2011

That Council:

1. Awards Catalano Pty Ltd the Tender for the Supply of Crushed Ferricrete/Laterite Material (T1122), for the period of three years from the date of signing documentation with an option to extend a further two 12 month periods based on an annual CPI increase for Perth from the preceding 12 months as per tendered prices in the (Confidential Attachment 1).

Moved: **Cr Frank Lindsey**

Seconded: **Cr Noreen Townsend**

Vote: **CARRIED UNANIMOUSLY (11/0)**

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.

10.3.3 Lesmurdie Road - Replacement of Bus Shelters

Previous Items	N/A
Responsible Officer	Director Engineering Services
Service Area	Engineering Services
File Reference	LS-04/GEN
Applicant	Nil
Owner	Nil

Attachment 1 Map – Location of Shelters

PURPOSE

1. To seek Council approval to replace two bus shelters which were damaged in traffic incidents.

BACKGROUND

2. A concrete bus shelter on Lesmurdie Road outside Villa Maria was hit and demolished by a vehicle in April 2011.
3. The residents of Villa Maria have appealed to the Council and the State Government – Minister John Day for replacement as soon as possible.
4. Another bus shelter, near Villa Maria outside house number 143 Lesmurdie Road was hit and demolished by a vehicle in September 2011. This also requires replacing.

DETAILS

5. Insurance claims have been lodged with our insurers for compensation for the replacement costs for both shelters.
6. If the Shire's insurer does agree to pay for compensation, this will total approximately \$4,000 towards replacement costs for each shelter.
7. Shire Officers have sought funding from the Public Transport Authority (PTA) for 50% contribution towards the bus shelter costs.
8. PTA have approved the bus shelter outside 143 Lesmurdie Road for 50% funding, however have declined the shelter outside Villa Maria, as there are not enough boarding passengers to warrant a bus shelter. Therefore installation of a replacement shelter outside Villa Maria will be at the Shire's cost.

STATUTORY AND LEGAL IMPLICATIONS

9. The 2011-2012 Budget does not include any allocation for new bus shelters.
10. In order to replace the two shelters a budget amendment is required. Under the *Local Government Act 1995 Section 6.8*
- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure –
- (a) Is incurred in a financial year before the adoption of the annual budget by the local government
 - (b) Is authorised in advance by resolution*; or
 - (c) Is authorised in advance by the mayor or president in an emergency
- *Absolute majority required
11. Section 6.1(1)(b) of the *Local Government Act 1995* is applicable and requires absolute majority.

POLICY IMPLICATIONS

12. Nil.

PUBLIC CONSULTATION/COMMUNICATION

13. The residents of Villa Maria petitioned for the replacement of the Shelter.

FINANCIAL IMPLICATIONS

14. The estimated cost of the two bus shelters is \$24,000 including installation.
- Out of this \$8,000 is likely to be received from the Shires insurance providers and \$3,000 contribution from PTA for the shelter outside 143 Lesmurdie Road. Resulting in an approximate total net cost of \$13,000.
15. The insurance claim has not yet been approved.
16. Accordingly Council approval is required for an unbudgeted expenditure of \$24,000, which will be partially offset by contribution from PTA and recovery from insurance claim.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS**Strategic Planning Implications**

17. Nil.

Sustainability Implications

Social Implications

18. The elderly residents of Villa Maria who use the bus shelter to protect them from the elements, have requested the replacement of the bus shelter.
19. PTA have advised that there are decent boarding statistics to warrant the replacement of the bus shelter at 143 Lesmurdie Road.

Economic Implications

20. Nil.

Environmental Implications

21. Nil.

OFFICER COMMENT

22. The replacement of the two bus shelters particularly the one situated near the Villa Maria complex is appropriate.
23. The estimated shortfall in funding will be adjusted in the Budget Review.

RESOLVED OCM 179/2011

That Council

1. Pursuant to Section 6.1(1)(b) of the *Local Government Act 1995* authorises an unbudgeted expenditure of \$24,000 to replace two bus shelters outside Villa Maria and outside 143 Lesmurdie Road with the funding sources reflected in the Budget Review.

Moved: **Cr John Giardina**

Seconded: **Cr Geoff Stallard**

Vote: For
Cr John Giardina
Cr Frank Lindsey
Cr Geoff Stallard
Cr Allan Morton
Cr Martyn Cresswell
Cr Bob Emery
Cr Sue Bilich
Cr Donald McKechnie

Against

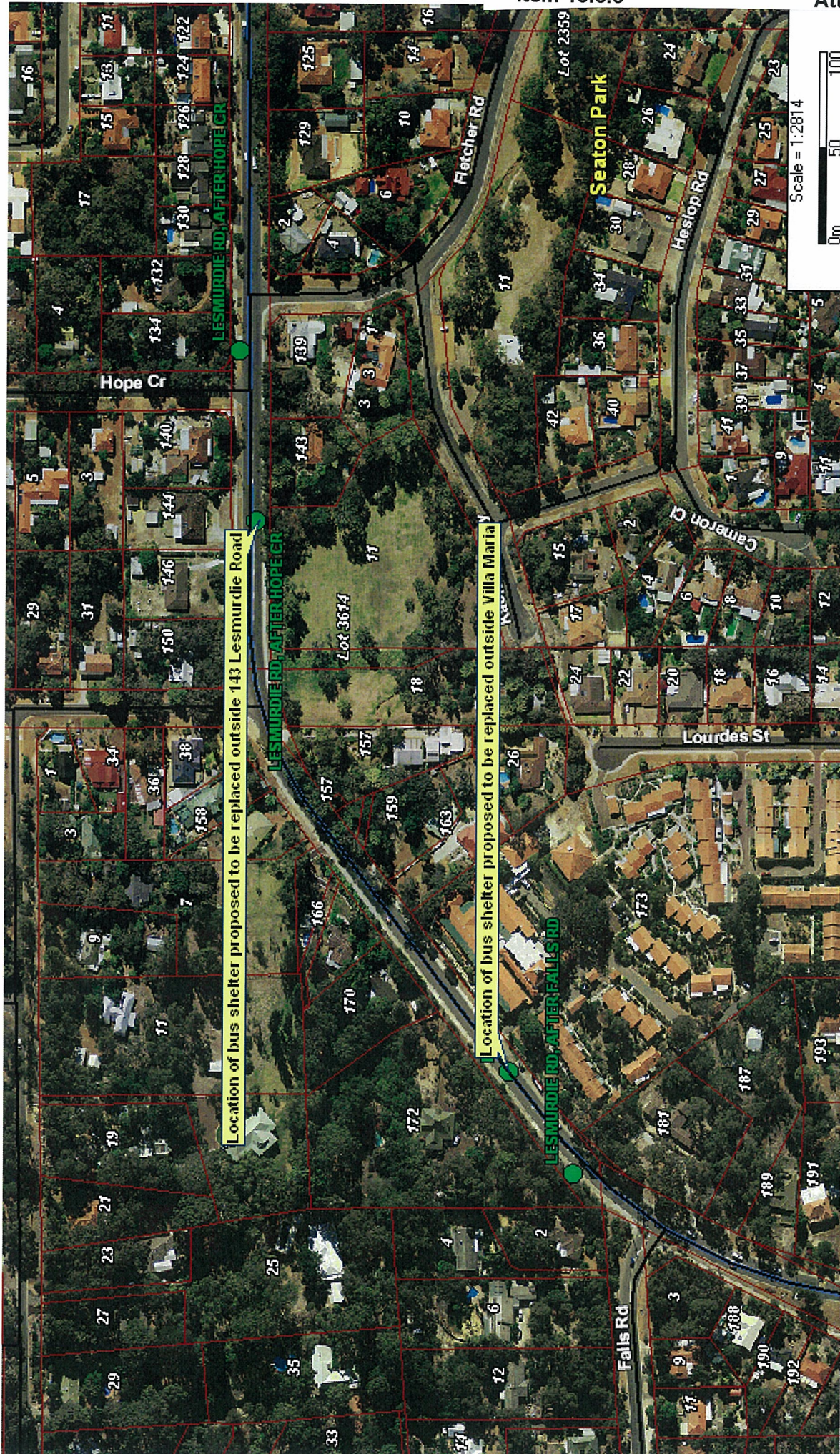
Cr Justin Whitten

Cr Noreen Townsend

Cr Margaret Thomas

CARRIED/ABSOLUTE MAJORITY (8/3)

Map – Location of Shelters



LEGEND

<TITLE>

- SOK Suburb Boundaries
- Main Roads
- Road Names (auto)
- Street Numbers (auto)
- Reserve And Park Names
- Cadastre (auto)
- Aerial Photo (Landgate)
- Transperth - Stops
- Transperth - Services



Disclaimer : The Shire of Kalamunda accepts no responsibility for the accuracy of this image or the results of any actions taken when using this image. Map is not to scale. Based on information provided by and with the permission of the Western Australian Land Information Authority (2011).

11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 Nil.

12.0 QUESTIONS BY MEMBERS WITHOUT NOTICE

12.1 Chipping Road, High Wycombe – Cr Martyn Cresswell

Q. When will Chipping Road going to be finished and open?

A. The Director of Engineering Services advised the completion and opening of the road was still scheduled for mid-November. Western Power are yet to advise of a completion date for the works required at the site.

13.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

13.1 Land for Mobile Phone Towers – Cr Geoff Stallard

Q. Is it possible that Council, in conjunction with State Government, look for land within the Shire that is suitable for towers?

A. Yes, it is possible to work with State Government to look for suitable sites for Telco facilities, however, as each Telco provider has their own network with varying cell location needs and communication capabilities it may be difficult to find suitable sites for all providers. The Director Planning & Development Services will liaise with the relevant State Government agencies and the Telco providers to ascertain whether it is possible to identify suitable future sites for mobile phone towers.

14.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

14.1 Nil.

15.0 MEETING CLOSED TO THE PUBLIC

15.1 Nil.

16.0 CLOSURE

16.1 There being no further business the Chairman declared the meeting closed at 7.10 pm.

I confirm these Minutes to be a true and accurate record of the proceedings of this Council.

Signed.....Chairman

Dated thisday of2011

